	Application No.	Applicant(s)
Notice of Allowability	10/804,367	AUERBACH ET AL.
	Examiner	Art Unit
	JENNIFER N. TO	2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>communication filed 05/20/2008 & telephone interviewed on 07/01/2008</u>.

2. ☒ The allowed claim(s) is/are <u>1-7,9-14 and 16-27, now renumbered as 1-25</u>.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

     * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

2.   Authorization for this examiner's amendment was given in a telephone interview

with Mr. Michael Dodd, Registration No. 46437, on 07/01/2008.

3.   Amend the claims as following:

        a.   Replace claim 1 with the following claim:

        Claim 1. A method for specifying computer related metric data that is generated

by a computer system to be delivered to a server, the method comprising:

                executing an application at the computer system;

                generating metric data related to functionality of the application monitored

during execution of the application, the generated metric data including at least one of

performance monitoring data and event log data for the application;

                storing the metric data related to the monitored functionality of the

application at the computer system;

                accessing a separately defined manifest including instructions that

indicates a subset of the generated metric data related to the monitored functionality of

the application is to be packaged for delivery to a server subsequent to storing the

generated metric data, the separately defined manifest being separate from the generated metric data and separate from the application, the extent of the subset of the generated metric data relative to the total generated metric data configured in accordance with a desire of a user of the computer system;

converting the instructions included in the separately defined manifest to a schema-based package start command, the schema-based package start command including elements and attributes of a vocabulary defined in a selection schema, the selection schema defining how subsets of performance monitoring data and subsets of event log data are to be packaged;

automatically sending the schema-based package start command to a quality metric module to cause the subset of the generated metric data indicated in the separately defined manifest to be packaged for delivery to the server; and

sending a package send command to the quality metric module to cause the packaged subset of generated metric data related to the monitored functionality of the application to be delivered to the server.

b.   Claim 2:

      i.   Line 1, remove the phrase "the act of";

      ii.   Line 2, remove the phrase "an act of".

c.   Claim 3:

      i.   Line 1, remove the phrase "the act of";

        ii.   Line 2, remove the phrase "an act of".

    d.   Claim 4:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 2, remove the phrase "an act of".

    e.   Claim 5:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 2, remove the phrase "an act of".

    f.   Claim 6:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 2, remove the phrase "an act of".

    g.   Claim 7:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 2, remove the phrase "an act of".

    h.   Cancel claim 8.

    i.   Replace claim 9 with the following claim:

Claim 9. The method as recited in claim 1, wherein converting instructions included in the separately defined manifest to the schema-based package start command comprises converting the instructions included in the separately defined manifest into XML instructions.

j.   Replace claim 10 with the following claim:

Claim 10. The method as recited in claim 1, wherein sending the schema-based package start command comprises sending XML instructions to the quality metric module to indicate to the quality metric module that a subset of the generated metric data related to the functionality of the application is to be packaged for delivery.

k.   Claim 11, line 2, remove the phrase of "an act of".

l.   Claim 12:

      i.   Line 1, remove the phrase "the act of";

      ii.   Line 2, remove the phrase "an act of".

m.   Claim 13:

      i.   Line 1, remove the phrase "the act of";

      ii.   Line 2, remove the phrase "an act of".

n.   Replace claim 14 with the following claim:

Claim 14. A computer system that includes a quality metric module, the quality

metric module configured to package computer related metric data for delivery, a

method for packaging specified computer related metric data, the method comprising:

receiving a schema-based package start command from an application,

the schema-based package start command indicating that a subset of previously stored

metric data related to monitored functionality of the application is to be packaged for

delivery to a server, the schema-based package start command including XML

instructions that indicate a subset of generated metric data related to the monitored

functionality of the application is to be packaged for delivery, the generated metric data

including at least one of performance monitoring data and event log data for the

application, the subset of the previously stored metric data indicated in a separately

defined manifest that is separate from the application and separate from the generated

metric data, the extent of the subset of the previously stored metric data relative to the

total generated metric data configured in accordance with the desire of a user of the

computer system, the schema-based package start command and XML instructions

including elements and attributes of a vocabulary defined in a selection schema, the

selection schema defining how to indicate that subsets of performance monitoring data

and subsets of event log data are to be packaged;

accessing the indicated subset of generated metric data related to the

monitored functionality of the application from computer system storage;

packaging the subset of generated metric data related to the functionality
of the application according to a packaging schema defining elements and attributes
used at the server;

receiving a package send command from the application; and

sending the packaged subset of metric data related to the functionality of
the application to the server in response to the package send command.

o.   Cancel claim 15.

p.   Claim 16:

        i.   Line 1, remove the phrase "an act of";

        ii.   Line 2, remove the phrase "an act of";

        iii.   Line 3, remove the phrase "an act of".

q.   Replace claim 17 with the following claim:

Claim 17. The method as recited in claim 16, wherein retrieving at least one item
or event from system memory comprises retrieving all the metric data indicated in the
XML instructions.

r.   Claim 18:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 3, remove the phrase "an act of".

s.   Claim 19, line 2, remove the phrase "an act of".

t.   Replace claim 20 with the following claim:

Claim 20. The method as recited in claim 14, wherein packaging the subset of

generated metric data related to the monitored functionality of the application according

to a packaging schema comprises converting the subset of generated metric data

related to the monitored functionality of the application into second XML instructions in

accordance with an XML schema.

u.   Claim 21:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 3, remove the phrase "an act of".

v.   Claim 22:

        i.   Line 1, remove the phrase "the act of";

        ii.   Line 2, remove the phrase "an act of".

w.   Replace claim 24 with the following claim:

Claim 24. A computer program product for use at a computer system that is

configured to generate computer related metric data associated with the application, the

computer program product for implementing a method for specifying computer related

metric data that is to be delivered to a server, the computer program product stored on

one or more computer-readable media having computer-executable instructions that,

when executed by a processor, cause the computer system to perform the following:

　　　　execute an application at the computer system;

　　　　generate metric data related to functionality of the application monitored

during execution of the application, the generated metric data including at least

one of performance monitoring data and event log data for the application;

　　　　store the metric data related to the monitored functionality of the

application at the computer system ;

　　　　access a separately defined manifest including instructions that indicates

a subset of the generated metric data related to the monitored functionality of the

application is to be packaged for delivery to a server subsequent to storing the

generated metric data, the separately defined manifest being separate from the

generated metric data and separate from the application, the extent of the subset

of the generated metric relative to the total generated metric data configured in

accordance with a desire of a user of the computer system;

　　　　convert the instructions included in the separately defined manifest to a

schema-based package start command, the schema-based package start

command including elements and attributes of a vocabulary defined in a

selection schema, the selection schema defining how subsets of performance

monitoring data and subsets of event log data are to be packaged; s

send the schema-based package start command to a quality metric

module to cause the subset of the generated metric data indicated in the

separately defined manifest to be packaged for delivery to the server; and

send a package send command to the quality metric module to cause the

packaged subset of generated metric data related to the monitored functionality

of the application to be delivered to the server.

x.   Replace claim 25 with the following claim:

Claim 25. A computer program product for use at a computer system that

includes a quality metric module, the quality metric module configured to package

computer related metric data for delivery, the computer program product for

implementing a method for packaging specified computer related metric data, the

computer program product stored on one or more computer-readable media having

computer-executable instructions that, when executed by a processor, cause the

computer system to perform the following:

receive a schema-based package start command from an application, the

schema-based package start command indicating that a subset of previously

stored metric data related to monitored functionality of the application is to be

packaged for delivery to a server, the schema-based package start command

including XML instructions that indicate a subset of generated metric data related

to the monitored functionality of the application is to be packaged for delivery, the

generated metric data including at least one of performance monitoring data and

event log data for the application, the subset of the previously stored metric data

indicated in a separately defined manifest that is separate from the application

and separate from the generated metric data, the extent of the subset of the

previously stored metric data relative to the total generated metric data

configured in accordance with the desire of a user of the computer system, the

schema-based package start command and XML instructions including elements

and attributes of a vocabulary defined in a selection schema, the selection

schema defining how subsets of performance monitoring data and subsets of

event log data are to be packaged;

     access the indicated subset of generated metric data related to the

monitored functionality of the application from computer system storage;

     package the subset of generated metric data related to the functionality of

the application according to a packaging schema defining elements and

attributes used at the server;

     receive a package send command from the application; and

     send the packaged subset of metric data related to the functionality of the

application to the server in response to the package send command.

y.   Claim 26:

     i.   Line 1, remove the phrase "the act of";

     ii.   Line 3, remove the phrase "an act of".

z.   Replace claim 27 with the following:

Claim 27. The method as recited in claim 14, wherein receiving a schema-based

package start-command in the form of XML instructions from an application comprises

receiving a schema-based package start command based on a separately defined

manifest specifically selected by a developer to configure the subset of generated

metric data for use in studying the monitored functionality of the application.

4.   The following is an examiner's statement of reasons for allowance:

The prior arts of recorded teach a method executing an application at a computer

system, generating executing an application at the computer system, generating metric

data related to functionality of the application monitored during execution of the

application, wherein the generated metric data including at least one of performance

monitoring data and event log data for the application, storing the metric data related to

the monitored functionality of the application at the computer system, accessing a

separately defined manifest including instructions that indicates a subset of the

generated metric data related to the monitored functionality of the application is to be

packaged for delivery to a server subsequent to storing the generated metric data, the

separately defined manifest being separate from the generated metric data and

separate from the application, the extent of the subset of the generated metric data

relative to the total generated metric data configured in accordance with a desire of a

user of the computer system, automatically sending the schema-based package start

command to a quality metric module to cause the subset of the generated metric data

indicated in the separately defined manifest to be packaged for delivery to the server, and sending a package send command to the quality metric module to cause the packaged subset of generated metric data related to the monitored functionality of the application to be delivered to the server. However, the prior arts of recorded fail to teach converting the instructions included in the separately defined manifest to a schema-based package start command, the schema-based package start command including elements and attributes of a vocabulary defined in a selection schema, the selection schema defining how subsets of performance monitoring data and subsets of event log data are to be packaged. Thus the claims are allowable over the prior arts of recorded.

5.   Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

7.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

8.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Meng-Ai An/   Jennifer N To
Supervisory Patent Examiner, Art Unit 2195   Examiner
                                                                            Art Unit 2195